

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

ARCIDES CRUZ-HERNANDEZ,)	
Plaintiff,)	
vs.)	Civil Action No. 3:16-CV-220-M-BH
)	
JOHNSON COUNTY DETENTION)	
CENTER, ICE,)	
Defendants.)	Referred to U.S. Magistrate Judge

**RECOMMENDATION REGARDING REQUEST TO PROCEED
IN FORMA PAUPERIS ON APPEAL**

Pursuant to *Amended Miscellaneous Order No. 6* (adopted by *Special Order No. 2-59* on May 5, 2005), before the Court is the plaintiff's *Petition Motion to Proceed on Appeal In Forma Pauperis*, received February 21, 2017, in the United States Court of Appeals for the Fifth Circuit and forwarded to this Court (doc. 52).

- (X) The request for leave to proceed *in forma pauperis* on appeal should be **DENIED** because the Court should certify pursuant to Fed. R. App. P. 24(a)(3) and 28 U.S.C. § 1915(a)(3) that the appeal is not taken in good faith

- (X) Although this appeal should be certified as not taken in good faith under 28 U.S. C. § 1915(a)(3) and Fed. R. App. P. 24(a)(3), the plaintiff/appellant may challenge this finding pursuant to *Baugh v. Taylor*, 117 F. 3d 197 (5th Cir. 1997), by filing a separate motion to proceed IFP on appeal with the Clerk of Court, U.S. Court of Appeals for the Fifth Circuit, within 30 days of the district court's order. The cost to file a motion to proceed on appeal with the Fifth Circuit is calculated below, and if the plaintiff/appellant moves to proceed on appeal IFP, the prison authorities should be directed to collect the fees as calculated in this order:
 - (X) Plaintiff/appellant should be assessed an initial partial fee of **\$5.00.**

 - (X) Thereafter, the prisoner should pay **\$500.00**, the balance of the filing fees, in periodic installments. The appellant is required to make payments of 20% of the preceding month's income credited to the appellant's prison account until appellant has paid the total filing fees of \$505.00

SIGNED this 23rd day of February, 2017.


IRMA CARRILLO RAMIREZ
UNITED STATES MAGISTRATE JUDGE